

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

ERIC HENRY,

Petitioner,

Case Number 2:10-CV-10920

Honorable Lawrence P. Zatkoff

v.

KENNETH ROMANOWSKI,

Respondent.

_____ /

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL**

On March 8, 2010, Petitioner Eric Henry, a state inmate currently incarcerated at the Gus Harrison Correctional Facility in Adrian, Michigan, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Pending before the Court is his "Motion for Appointment of Counsel." (Dkt. # 12) For the reasons set forth below, the Court will deny the motion.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), cert. denied, 538 U.S. 984 (2003), reh. denied, 539 U.S. 970 (2003). The Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). A habeas petitioner may obtain representation at any stage of the case "[w]henever the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In this case, after the Court has carefully reviewed the pleadings and state court record, if the Court determines that

appointment of counsel is necessary, then it will do so at that time. Petitioner need not file any further motions regarding this issue.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion for Appointment of Counsel" [Dkt. #12] is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner's motion if it determines at a later date that appointment of counsel is necessary.

SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 9, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 9, 2011.

S/Marie E. Verlinde

Case Manager
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